

## REMARKS

Claims 1-9 and 11-21 remain in the application. Applicant respectfully requests that this amendment after final be entered on the grounds that it simplifies the issues on appeal.

Claims 14-17 and 19-22 were rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. The Office Action specifically set out that the ambiguity between dependent claims 14 and 19 and their parent claim was based on the conflicting recitations of "a plurality of application processors and "an application processor."

Claims 14 and 19 have been amended so that claim 14 depends from claim 1, and claim 19 depends from claim 9 as suggested in the Office Action. Applicant respectfully requests that this rejection be withdrawn.

Claims 1-9, 11-14, 18 and 19 were rejected under 35 U.S.C. § 103(a) as unpatentable over *Travaille et al.* (6,067,107) in view of *Agraharam et al.* (6,389,471), and further in view of *Goodman et al.* (6,427,238). Applicant respectfully traverses.

The Office Action combines the three prior art references of *Travaille*, *Agraharam* and *Goodman* in this rejection. Applicant respectfully submits that the combination is improper in that a person of ordinary skill in this art, when called upon to modify *Travaille*, a reference that relates to interactive applications following the disclosure of *Agraharam*, would not produce the claimed invention.

Claim 1 is directed to a method of delivering an interactive application. This method includes the step of providing a set of application components. An example of application components is set out in Claim 11 as executable program files, bit maps, sound samples, real-time data instructions, and video chips. These application components enable a remote

participant in the interactive application to interact locally so that potentially each individual viewer will see different on-screen information. For example, each viewer may have a different score in an interactive quiz or navigate to a different part of the application, unrelated to where the other viewers or participants are.

*Agraharam* teaches a system wherein information is presented to all users at the same time. All changes to the presentation occur at the broadcast controller. Therefore, the same change to every viewer's screen is affected at the same time. *Agraharam*, in column 3, lines 7-12, discloses that information is presented in HTML as standard, but where this is not possible, the presentation is converted to an MPEG2 stream, i.e., a digital audio-visual stream. This conversion is essentially the same as filming the screen of a PC monitor displaying the HTML presentation and broadcasting it as a digital TV channel. In other words, what is broadcast is no longer an application made up of separate multi-media components (graphics, sound samples, bit maps, etc.), but rather is a basic AV broadcast akin to a TV channel.

The bottom line, *Agraharam* is not suitable for broadcasting sets of application components of an interactive application. It does not teach that. It cannot be relied on to modify *Travaille* to do so.

With respect to claim 2, the Office Action seems to assert that *Agraharam* teaches that when the users of the client terminals enter a private or public chat room, that his information is then rebroadcast to the client terminals in real time. Applicant respectfully traverses.

The chat rooms of *Agraharam* operate in the normal fashion of a chat room with the session conductor being one of the participants. Obviously the ongoing chat may influence the conductor's presentation, but there is no evidence that the actual chat data is broadcast to the client terminals. Column 1, lines 9-11, of *Agraharam* states:

"...to a system which allows a user to prepare and broadcast information over the internet to an audience of individuals simultaneously."

It should also be noted that while data may be broadcast simultaneously, there is no provision in *Agraharam* that data is received simultaneously by the remote participants.

With respect to claim 4, the Office Action asserts that *Agraharam* teaches the step of converting which includes adapting for different data transmission mechanisms. A conversion in *Agraharam* is only true in a sense that the HTML data is converted to a video signal in much the same way as a video capture card or a TV camera operates. This is hardly the same as converting interactive applications, component by component, to execute on receivers which have different capabilities. Furthermore, converting data into a format that is compatible with a broadcast receiver, as described in column 4, lines 41-49, of *Agraharam*, is hardly the conversion of the present invention. The disclosure of *Agraharam* does not discuss the simultaneous data insertion of an interactive application into multiple channels from the same broadcast. Furthermore, it should be remembered that the Internet is under totally different technical constraints than is ITV (interactive TV). It is these constraints which are also addressed by the present invention, for example, ITV requires transmission and substitution on the fly in order for remote participants to receive the interactive application at substantially the same time. *Agraharam* can only replace or select an entire application and transcode it in its entirety to an MPEG2 format. This is described in column 6, lines 49-52, of *Agraharam*. If the broadcast receivers do not have HTML processing capabilities, the controller (303) directs the broadcast interface (308) to transcode the data signals from HTML format into MPEG2 before transmission to the broadcast receivers. This is an all or nothing process for simply distributing mark-up language documents through the Internet.

With respect to claim 7, the Office Action asserts that *Agraharam* teaches the "target platform" in claim 7. Applicant respectfully traverses. The receiver of *Agraharam* is not an application process. It may simply be an MPEG video decoder (see column 2, lines 10-11, and column 3, lines 7-12).

With respect to claim 8, the Office Action asserts that *Agraharam* teaches a system which interrogates the application processor. Applicant respectfully traverses. *Agraharam* only really describes determining whether the terminal has data processing capabilities or not. In other words, can it process HTML? If not, then it assumes that it can process MPEG2 video. This is much less sophisticated than determining what the application processor is capable of in terms of memory, graphics, sound, etc., and converting it accordingly.

Applicant respectfully requests that the rejection of claims 1-9, 11-14, 18 and 19 be withdrawn, and the claims allowed.

Claims 15-17, 20-22 were rejected under 35 U.S.C. § 103 as unpatentable over *Travaille* (6,067,107) in view of *Agraharam* (6,389,471) and *Goodman* (6,427,238), and further in view of *Lappington et al.* (5,764,275). Applicant respectfully traverses.

The Office Action asserts that *Lappington* teaches compensation for timing differences between broadcast networks, referring to column 3, starting at line 19. Applicant respectfully submits that the Office Action is incorrect in its analysis of this passage. This passage deals with differences between transmission times at the local client terminal rather than attempting to synchronize broadcast data at each application processor. There is no indication in *Lappington* that there is an attempt to synchronize broadcast data at each processor. While the interactive data could be designed and synchronized to a specific frame, it is not disclosed by *Lappington* that this is synchronized at each application interface on the basis that the head end must

synchronize to the particular television signal. Accordingly, *Lappington* does not teach synchronization to an independent network synchronized signal.

The purpose of *Lappington* is to detect the artificial insertion of a time delay at some point in the broadcast chain to prevent the remote participant from cheating. It seems to be assumed that such a delay would only be introduced in the vicinity of the client terminal by the home user, although it is possible that delays could be introduced elsewhere. It is notable that the transmission time does not vary at the local client terminal (since the transmission is central), but the reception time may vary if artificial delays are inserted by recording the broadcast and then replaying it, for example. *Lappington* does not describe any method for synchronization. It simply detects when data has been unduly delayed and takes appropriate corrective action, such as disallowing the scoring of points for that question, or the entire event.

Applicant respectfully requests that the rejection of claims 15-17, 20-22 be withdrawn and the claims allowed.

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In light of the above amendment and remarks, applicant believes that all the claims are allowable, and respectfully requests that this amendment be entered, all the claims allowed, and the application passed to issue.

I certify that this document and fee is being deposited on **December 10, 2003** with the U.S. Postal Service "Express Mail Post Office to Addressee" service as Express Mail No. EV338056890US under 37C.F.R. 1.10 and is addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Marc Fregoso

Marc Fregoso  
Signature

Dated: December 10, 2003

Very truly yours,

**SNELL & WILMER L.L.P.**

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